

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. BROOKS,

Plaintiff,

No. CIV S-03-2343 JAM EFB P

vs.

EDWARD S. ALAMEIDA, et al.,

Defendants.

ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. In his pretrial statement, plaintiff indicated that he was open to fair settlement discussions. Dckt. No. 155, § XII. On March 24, 2010, the court scheduled this action for a settlement conference, to be conducted on May 11, 2010. Dckt. No. 165. The court also ordered the parties to submit confidential settlement conferences no later than May 4, 2010. *Id.* Plaintiff has not submitted a confidential settlement conference or otherwise responded to the court's order.

A party's failure to comply with a court order "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." E.D. Cal. Local Rule 110. The court may recommend that an action be dismissed with or without prejudice, as appropriate, if a party disobeys an order. *See Ferdik v. Bonzelet*, 963

1 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se*
2 plaintiff's complaint for failing to obey an order to re-file an amended complaint to comply with
3 Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
4 (dismissal for *pro se* plaintiff's failure to comply with local rule regarding notice of change of
5 address affirmed); *see also* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest*
6 *Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that courts may dismiss an action pursuant
7 to Federal Rule of Civil Procedure 41(b) sua sponte for a plaintiff's failure to prosecute or
8 comply with the rules of civil procedure or the court's orders).

9 Accordingly, it is hereby ORDERED that:

10 1. The May 11, 2010 Settlement Conference is vacated.

11 2. Within 21 days of the date of this order, plaintiff shall submit either a confidential
12 settlement conference statement as contemplated by the March 24, 2010 order, or show cause as
13 to why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for
14 plaintiff's failure to prosecute and to comply with the court's March 24, 2010 order.

15 3. Failure to comply with this order will result in a recommendation that this action be
16 dismissed pursuant to Federal Rule of Civil Procedure 41(b).

17 DATED: May 10, 2010.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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